

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	8:08CR385
)	
EMILIO PINA-HERNANDEZ,)	ORDER
)	
Defendant.)	

For good cause shown,

IT IS ORDERED that the defendant's unopposed motion to continue trial (Doc. 22) is granted, as follows:

1. The jury trial now set for Tuesday, December 23, 2008 is continued to Tuesday, **January 13, 2009**.

2. In accordance with [18 U.S.C. § 3161](#)(h)(8)(A), the court finds that the ends of justice will be served by granting this continuance and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **December 23, 2008 and January 13, 2009**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act because counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

DATED December 4, 2008.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge